

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2022 ND 14

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Michaelson Plaisimond,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20210215

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bonnie L. Storbakken, Judge.

AFFIRMED.

Per Curiam.

Samuel A. Gereszek, Grand Forks, ND, for for petitioner and appellant; submitted on brief.

Julie A. Lawyer, State's Attorney, Bismarck, ND, for respondent and appellee; submitted on brief.

**Plaisimond v. State**  
**No. 20210215**

**Per curiam.**

[¶1] Michaelson Plaisimond appeals from a district court order and judgment denying his application for postconviction relief. Plaisimond claims the court erred in denying his application because he received ineffective assistance of counsel. Plaisimond contends his trial attorney failed to advise him on testifying about prior bad acts and the potential ramifications. Following a hearing the court found Plaisimond failed to establish the first prong of the *Strickland* test that his trial attorney's representation fell below an objective standard of reasonableness. The court also found that even if Plaisimond met the first prong, he did not demonstrate he was prejudiced by the alleged deficient performance.

[¶2] The district court did not clearly err in finding Plaisimond did not prove ineffective assistance of counsel and denying his application for postconviction relief. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶3] Jon J. Jensen, C.J.  
Gerald W. VandeWalle  
Daniel J. Crothers  
Lisa Fair McEvers  
Jerod E. Tufte